

# HOUSE BILL 612

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6lr1683

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By: Delegates Vallario, Anderson, Atterbeary, Carter, Cluster, Dumais, Glass, Kittleman, Malone, McComas, Moon, Proctor, Rey, Rosenberg, Sanchez, Smith, Valentino-Smith, and ~~B. Wilson~~ B. Wilson, Barkley, Barve, Carr, Clippinger, Conaway, Cullison, Fraser-Hidalgo, Frick, Gilchrist, Gutierrez, Hixson, Kaiser, Kelly, Korman, Kramer, Lisanti, Luedtke, McKay, A. Miller, Morales, Platt, Reznik, S. Robinson, Sydnor, Waldstreicher, and C. Wilson

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Manslaughter by Motor Vehicle or Vessel While Under the Influence or**  
3 **Impaired – Penalty**

4 FOR the purpose of ~~altering the penalty for manslaughter by vehicle or vessel; and~~  
5 generally relating to manslaughter by vehicle or vessel of establishing certain crimes  
6 of manslaughter by motor vehicle or vessel while under the influence of alcohol,  
7 under the influence of alcohol per se, impaired by a drug, a combination of drugs, or  
8 a combination of one or more drugs and alcohol, or impaired by a controlled  
9 dangerous substance; providing for certain penalties; providing for the form of  
10 certain charging documents; and generally relating to establishing certain crimes of  
11 manslaughter involving drunk or drugged driving.

12 ~~BY repealing and reenacting, with amendments,~~  
13 ~~Article – Criminal Law~~  
14 ~~Section 2-209~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(2012 Replacement Volume and 2015 Supplement)~~

17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



The subtitle designation “Subtitle 5. Manslaughter and Homicide by Motor Vehicle or Vessel While Impaired or Under the Influence” immediately preceding Section 2–501

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 2–501

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Criminal Law

Section 2–502.1 through 2–502.4

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 2–507

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

### Article – Criminal Law

~~2–209.~~

~~(a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive, engine, and train.~~

~~(b) A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.~~

~~(c) A violation of this section is manslaughter by vehicle or vessel.~~

~~(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding \$5,000 or both.~~

~~(e) (1) An indictment or other charging document for manslaughter by vehicle or vessel is sufficient if it substantially states:~~

~~“(name of defendant) on (date) in (county) killed (name of victim) in a grossly negligent manner against the peace, government, and dignity of the State.”.~~



1 ALCOHOL THAT THE PERSON CANNOT DRIVE, OPERATE, OR CONTROL A MOTOR  
2 VEHICLE OR VESSEL SAFELY.

3 (B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE  
4 OR VESSEL WHILE IMPAIRED BY DRUGS.

5 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND  
6 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A  
7 FINE NOT EXCEEDING \$5,000 OR BOTH.

8 (D) IT IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT  
9 THE PERSON IS OR WAS ENTITLED UNDER THE LAWS OF THIS STATE TO USE A DRUG,  
10 COMBINATION OF DRUGS, OR COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL,  
11 UNLESS THE PERSON WAS UNAWARE THAT THE DRUG, COMBINATION OF DRUGS, OR  
12 COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL WOULD MAKE THE PERSON  
13 INCAPABLE OF DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR  
14 VESSEL IN A SAFE MANNER.

15 2-502.4.

16 (A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS A RESULT OF  
17 THE PERSON'S GROSSLY NEGLIGENT DRIVING, OPERATING, OR CONTROLLING A  
18 MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY A CONTROLLED DANGEROUS  
19 SUBSTANCE, AS DEFINED UNDER § 5-101 OF THIS ARTICLE.

20 (B) A VIOLATION OF THIS SECTION IS MANSLAUGHTER BY MOTOR VEHICLE  
21 OR VESSEL WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

22 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND  
23 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A  
24 FINE NOT EXCEEDING \$5,000 OR BOTH.

25 (D) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS ENTITLED TO USE  
26 THE CONTROLLED DANGEROUS SUBSTANCE UNDER THE LAWS OF THIS STATE.

27 2-507.

28 (a) An indictment, information, or other charging document for a crime under this  
29 subtitle is sufficient if it substantially states:

30 (1) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED  
31 MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF  
32 ALCOHOL BY KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND  
33 DIGNITY OF THE STATE.";

1           **(2)**    “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED  
2 MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF  
3 ALCOHOL PER SE BY KILLING (NAME OF VICTIM) AGAINST THE PEACE,  
4 GOVERNMENT, AND DIGNITY OF THE STATE.”;

5           **(3)**    “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED  
6 MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY DRUGS BY  
7 KILLING (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF  
8 THE STATE.”;

9           **(4)**    “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED  
10 MANSLAUGHTER BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED BY A  
11 CONTROLLED DANGEROUS SUBSTANCE BY KILLING (NAME OF VICTIM) AGAINST THE  
12 PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.”;

13           **[(1)] (5)**    “(name of defendant) on (date) in (county) committed homicide  
14 by motor vehicle or vessel while under the influence of alcohol by killing (name of victim)  
15 against the peace, government, and dignity of the State.”;

16           **[(2)] (6)**    “(name of defendant) on (date) in (county) committed homicide  
17 by motor vehicle or vessel while under the influence of alcohol per se by killing (name of  
18 victim) against the peace, government, and dignity of the State.”;

19           **[(3)] (7)**    “(name of defendant) on (date) in (county) committed homicide  
20 by motor vehicle or vessel while impaired by alcohol by killing (name of victim) against the  
21 peace, government, and dignity of the State.”;

22           **[(4)] (8)**    “(name of defendant) on (date) in (county) committed homicide  
23 by motor vehicle or vessel while impaired by drugs by killing (name of victim) against the  
24 peace, government, and dignity of the State.”; or

25           **[(5)] (9)**    “(name of defendant) on (date) in (county) committed homicide  
26 by motor vehicle or vessel while impaired by a controlled dangerous substance by killing  
27 (name of victim) against the peace, government, and dignity of the State.”.

28           **(b)**    An indictment, information, or other charging document for a crime under this  
29 subtitle need not set forth the manner or means of death.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.